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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SCHWEGMAN, LUNDBERG & WOESSNER/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER BOYCE, ANDRE D	
			ART UNIT 3623	PAPER NUMBER
			NOTIFICATION DATE 06/10/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

Office Action Summary

Application No.

09/740,502

Applicant(s)

BOONE, BARRY

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 95-119 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 95-119 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 16, 2009 has been entered.
2. Claims 95, 97, 102, 103 and 108-117 have been amended. Claims 95-119 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 95-113 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 95, 102 and 108 recite the limitation "displaying the name," however it is unclear what "name" is being referenced. As such, there is insufficient antecedent basis for this limitation in the claim. Claims 96-101, 103-107 and 109-113 are rejected as dependent claims.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 95-105 and 107-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Feedback Forum (eBay.com, November 10, 1999, via web.archive.org), in view of Falk et al (US 2001/0037206), in further view of Fuerst (USPN 6,189,029).

As per claim 95, the Feedback Forum discloses a method, comprising: presenting a feedback comment (i.e., the user leaving the comment is asked whether the comment is positive, negative, or neutral, and selects one of these three (3) predefined terms, see "Leave Feedback about an eBay User") using an Internet connection to a first user in response to an online payment transaction between the first user and a second user (i.e., a first user leaving feedback about a second user, via a comment relating to a buy or sell transaction with the second user, pages 1 and 2) and at the request of the first user (i.e., user decides to leave feedback concerning the transaction, page 1 and 2) the feedback comment including a field with a name of the first user, the second user, or an item referenced by the online payment transaction, the presenting of the feedback comment including displaying the name (i.e., Feedback Forum of eBay.com including a buyer, a seller and transaction, page 1); and receiving a selection for feedback from the first user (i.e., the user leaving the comment is asked whether the comment is positive, negative, or neutral, and selects one of these three (3) predefined terms, see "Leave Feedback

about an eBay User”), the selection representative of feedback that the first user is supplying and that is to be associated with the second user with respect to the online payment transaction (i.e., a user, either a seller or buyer, leaving feedback about a specific transaction, page 1).

The Feedback Forum does not explicitly disclose presenting a predefined feedback comment and receiving a selection of the predefined feedback comment. Falk et al disclose predefined feedback comments selectable by a customer in response to service received, wherein the predefined feedback comments include answers to questions, including “How was your service?,” wherein the customer selects from answers which define the feedback, including “very bad,” “not good,” “so so,” “good,” and “awesome!” (figure 8 and ¶¶ 0079-80).

In addition, The Feedback Forum does not explicitly disclose the predefined feedback comment including a field substitutable with a name of the first user, the second user, or an item referenced by the online payment transaction, retaining an association of the first user, the online payment transaction, the selection, and the second user. Fuerst discloses results submitted by the user are stored in table 600 where fields 603, 601 and 609 define the survey name, QID and the group authorized to review the results, wherein field 605 stores the value of the response (columns 5/6, lines 66-4). In addition, Fuerst discloses assigning each group (or individual) a group identification (column 5, lines 23-25), a survey tool that assigns each question a unique question identification number, QID (column 5, lines 38-40),

wherein the results, together with the group (or individual) identification, and the QID are stored in table 600 (column 7, lines 46-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include presenting predefined feedback comments and receiving a selection for one of the predefined feedback comments and retaining an association of the first user, the online payment transaction, the selection, and the second user in the Feedback Forum, as seen in Falk et al and Fuerst, respectively, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 96, the Feedback Forum discloses receiving a free-form comment from the first user to be associated with the selection and retained with the association (i.e., positive, neutral, or negative comments from a user, page 1).

As per claim 97, the Feedback Forum does not explicitly disclose removing the free-form comment from the association and prevent the free-form comment from being retained when the free-form comment is determined to be against a policy. Fuerst discloses survey results submitted by users stored in table 600 (column 5, lines 66-67), wherein unnecessary tables may be deleted (column 6, lines 12-13). Both the Feedback Forum and Fuerst are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include removing the

free-form comment from the association and prevent the free-form comment from being retained when the free-form comment is determined to be against a policy in the Feedback Forum, as seen in Fuerst, thereby being able to effectively control the feedback submitted by users, thus making the Feedback Forum more robust.

As per claim 98, the Feedback Forum discloses keeping a first identifier for the first user, and a second identifier for the second user (i.e., user ID, page 1). The Feedback Forum does not explicitly disclose a transaction number for the online payment transaction, and a feedback identifier for the selection as an entry in a table associated with the second user. Fuerst discloses assigning each group (or individual) a group identification (column 5, lines 23-25), a survey tool that assigns each question a unique question identification number, QID (column 5, lines 38-40), wherein the results, together with the group (or individual) identification, and the QID are stored in table 600 (column 7, lines 46-48). Both the Feedback Forum and Fuerst are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a transaction number for the online payment transaction, and a feedback identifier for the selection as an entry in a table associated with the second user in the Feedback Forum, as seen in Fuerst, thereby being able to efficiently access the results and apply statistical tools or other applications to data mine the tabulated results (see Fuerst, column 2, lines 43-47), thus making the Feedback Forum more robust.

As per claim 99, the Feedback Forum discloses providing the selection to a requestor associated with a different online payment transaction (i.e., requestor is able to see feedback associated with any user ID, page 1).

As per claim 100, the Feedback Forum discloses receiving and retaining with the association a response comment from the second user that the second user supplies in response to the selection made by the first user with respect to the second user (i.e., a user reviewing and responding to comments left by other members about the user, page 2).

As per claim 101, the Feedback Forum discloses presenting the selection within an online auction facility when an identifier associated with the second user is presented (i.e., ID of the user, page 1).

As per claim 102, the Feedback Forum discloses a method, comprising: providing feedback comments (i.e., the user leaving the comment is asked whether the comment is positive, negative, or neutral, and selects one of these three (3) predefined terms, see "Leave Feedback about an eBay User") using an Internet connection to users of an online payment transaction facility (i.e., a first user leaving feedback about a second user, via a comment relating to a buy or sell transaction with the second user, pages 1 and 2) at the request of the users the feedback comment including a field with a name of a specific first user, a specific second user, or an item referenced by a specific online payment transaction, the providing of the predefined feedback comments including displaying the name; (i.e., user decides to leave feedback concerning the transaction in Feedback Forum on eBay.com, page 1

and 2); and retaining selections made from the feedback comments by users, wherein each selection references a specific first user that is a buyer, a specific second user that is a seller (i.e., retaining feedback by both the buyer and seller of a transaction, page 1), and a specific transaction associated that the specific first user and the specific second user engaged in with one another (i.e., comments left by the winning high bidder and seller in an auction, page 1).

The Feedback Forum does not explicitly disclose presenting predefined feedback comments and retaining selections made from the predefined feedback comments. Falk et al disclose predefined feedback comments selectable by a customer in response to service received, wherein the predefined feedback comments include answers to questions, including "How was your service?," wherein the customer selects from answers which define the feedback, including "very bad," "not good," "so so," "good," and "awesome!" (figure 8 and ¶¶ 0079-80).

In addition, The Feedback Forum does not explicitly disclose the feedback comment including a field substitutable with a name of a specific first user, a specific second user, or an item referenced by a specific online payment transaction and determining when selections can include free-form comments from the users in addition to the predefined feedback comments. Fuerst discloses results submitted by the user are stored in table 600 where fields 603, 601 and 609 define the survey name, QID and the group authorized to review the results, wherein field 605 stores the value of the response (columns 5/6, lines 66-4). In addition, Fuerst discloses the

creator constructing a survey by entering the text of the questions in accordance with various question type and syntax rules (column 6, lines 30-33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include disclose presenting predefined feedback comments and retaining selections made from the predefined feedback comments and determining when selections can include free-form comments from the users in addition to the predefined feedback comments in the Feedback Forum, as seen in Falk et al and Fuerst, respectively, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 103, the Feedback Forum discloses supplying a specific selection to a requesting user, wherein a request for the specific selection identifies at least one of a specific one of the users and a specific online payment transaction (i.e., comments left about a specific user ID in relation to the auction transaction, page 1).

As per claim 104, the Feedback Forum does not explicitly disclose deciding not to permit free-form comments when to do so would be against a policy associated with one of the users involved in a specific online payment transaction. Fuerst discloses survey results submitted by users stored in table 600 (column 5, lines 66-67), wherein unnecessary tables may be deleted (column 6, lines 12-13). Both the Feedback Forum and Fuerst are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary

skill in the art at the time the invention was made to include deciding not to permit free-form comments when to do so would be against a policy associated with one of the users involved in the Feedback Forum, as seen in Fuerst, thereby being able to effectively control the feedback submitted by users, thus making the Feedback Forum more robust.

As per claim 105, the Feedback Forum discloses keeping with each selection a response comment from the buyer or the seller involved in the specific transaction, wherein the response comment is supplied in response to a particular selection from the predefined feedback comments (i.e., positive, neutral, and/or negative comments left by the winning high bidder and seller in an auction, page 1).

As per claim 107, the Feedback Forum discloses receiving the selections from menu options selected by the users (i.e., an indication of whether your comment is positive, neutral, or negative, via a menu selection, page 1) .

Claims 108-113 are rejected based upon the same rationale as the rejections of claims 95-101, since they are the computer-readable medium claims corresponding to the method claims.

Claims 114-118 are rejected based upon the same rationale as the rejections of claims 95-101, since they are the system claims corresponding to the method claims.

7. Claims 106 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Feedback Forum (eBay.com, November 10, 1999, via web.archive.org), in

view of Falk et al (US 2001/0037206), in further view of Fuerst (USPN 6,189,029), in further view of Bayer et al (USPN 6,311,190).

As per claim 106, neither the Feedback Forum, Falk et al, nor Fuerst disclose presenting the selections to requestors in target languages associated with the requestors. Bayer et al discloses conducting surveys over the internet to multiple users in multiple countries in different languages (column 2, lines 9-12 and figure 1). Further, Bayer discloses enabling a voter or other registrant to register with system 10 in their preferred language (column 5, lines 53-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include presenting the selections to requestors in target languages associated with the requestors in the Feedback Forum, as seen in Bayer, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 119, neither the Feedback Forum, Falk et al, nor Fuerst disclose the server is to present each association in a target language of each particular user of the online transaction facility. Bayer et al discloses conducting surveys over the internet to multiple users in multiple countries in different languages (column 2, lines 9-12 and figure 1). Further, Bayer discloses enabling a voter or other registrant to register with system 10 in their preferred language (column 5, lines 53-58). It would have been obvious to one having ordinary skill in the art at the time the invention

was made to include the server is to present each association in a target language of each particular user of the online transaction facility in the Feedback Forum, as seen in Bayer, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Response to Arguments

8. In the Remarks, with respect to independent claims 95, 102, 108 and 114, Applicant argues that none of the cited references disclose the predefined feedback comment including a field substitutable with a name of the first user, the second user, or an item referenced by the online payment transaction, the presenting of the predefined feedback comment including displaying the name. The Examiner respectfully disagrees. First, the Feedback Forum indeed discloses the feedback comment including a field with a name of the first user, the second user, or an item referenced by the online payment transaction, the presenting of the predefined feedback comment including displaying the name (i.e., Feedback Forum of eBay.com including a buyer, a seller and transaction, page 1), while Falk discloses the feedback comments being predefined (i.e., predefined feedback comments selectable by a customer in response to service received, figure 8 and ¶¶ 0079-80).

Lastly, with respect to the field being "substitutable," Applicant's specification merely states that "...the comments may include fields that substitute the name of

the item or user when being displayed." Similarly, Fuerst discloses SQL tables required to build the survey (column 5, lines 37-42), wherein results submitted by the user are stored in table 600 where fields 603, 601 and 609 define the survey name, QID and the group authorized to review the results, wherein field 605 stores the value of the response (columns 5/6, lines 66-4). As such, the fields in Fuerst may be defined in any way the creator desires, thus indeed making the fields substitutable.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/
Primary Examiner, Art Unit 3623
June 5, 2009